

LIONEL Z. GLANCY (#134180)
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Attorneys for Lead Plaintiff Movant
Sphera Fund and Proposed Co-Lead Counsel

[Additional Counsel Appear on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BIKASH MOHAN MOHANTY, Individually
And On Behalf of All Others Similarly Situated,

No. 4:07-cv-05101-SBA

Plaintiff,

V.

AMIR BASSAN-ESKEN AZI, RAN OZ,
FREDERICK BALL, GAL ISRAELY, DEAN
GILBERT, KEN GOLDMAN, LLOYD
CARNEY, BRUCE SACHS, ROBERT
SACHS, GEOFFREY YANG, MORGAN
STANLEY & CO. INC., MERRILL LYNCH
PIERCE FENNER & SMITH INC., JEFFRIES
& CO. INC., THINKEQUITY PARTNERS
LLC, BIGBAND NETWORKS INC. and
COWEN & CO. INC..

**DECLARATION OF LIONEL Z.
GLANCY IN SUPPORT OF MOTION
OF SPHERA FUND FOR
CONSOLIDATION OF RELATED
ACTIONS, APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
LEAD PLAINTIFF'S SELECTION OF
CO-LEAD COUNSEL**

Date: January 8, 2008

Time: 1:00 p.m.

Courtroom 3

Hon. Saundra B. Armstrong

DRAFT - 14

[Captions Continue on Following Pages]

1 DENNIS KOESTERER, on behalf of himself
2 and all others similarly situated,

No. 3:07-cv-05168-MMC

3 Plaintiff,

4 v.

5 BIGBAND NETWORKS INC., AMIR
6 BASSAN-ESKENAZI, FREDERICK A.
7 BALL, RAN OZ, LLOYD CARNEY, DEAN
8 GILBERT, KENNETH A. GOLDMAN, GAL
9 ISRAELY, BRUCE SACHS, ROBERT
10 SACHS and GEOFFREY YANG,

11 Defendants.

12 ABRENA WINSTON, Individually And On
13 Behalf of All Others Similarly Situated,

No. 3:07-cv-05327-JSW

14 Plaintiff,

15 v.

16 BIGBAND NETWORKS INC., RAN OZ,
17 FREDERICK A. BALL, GAL ISRAELY,
18 DEAN GILBERT, KENNETH A.
19 GOLDMAN, LLOYD CARNEY, BRUCE I.
20 SACHS, ROBERT J. SACHS, GEOFFREY Y.
21 YANG, MERRILL LYNCH PIERCE
22 FENNER & SMITH INCORPORATED,
23 MORGAN STANLEY & CO.
24 INCORPORATED, COWEN & COMPANY
25 INC., JEFFRIES & COMPANY INC., LLC,
and THINKEQUITY PARTNERS LLC,

Defendants.

DONALD SMITH, on behalf of himself and all
others similarly situated,

No. 3:07-cv-05361-SI

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR
BASSAN-ESKENAZI, FREDERICK A.
BALL,

Defendants.

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WAYNE LUZON, on behalf of himself and all others similarly situated,

No. 3:07-cv-05637-WHA

Plaintiff,

V.

BIGBAND NETWORKS INC., AMIR
BASSAN-ESKENAZI, RAN OZ,
FREDERICK A. BALL, GAL ISRAELY,
DEAN GILBERT, KENNETH A.
GOLDMAN, LLOYD CARNEY, BRUCE I.
SACHS, ROBERT J. SACHS, GEOFFREY Y.
YANG, MORGAN STANLEY & CO.
INCORPORATED, MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED, JEFFRIES & COMPANY
INC., COWEN & COMPANY LLC and
THINKEQUITY PARTNERS LLC,

Defendants.

DEBRA L. BERNSTEIN, Individually and On Behalf of All Others Similarly Situated,

No. 3:07-cv-05819-CRB

Plaintiff,

V.

BIGBAND NETWORKS, INC., AMIR
BASSAN-ESKENAZI, RAN OZ,
FREDERICK A. BALL, GAL ISRAELY,
DEAN GILBERT, KENNETH A.
GOLDMAN, LLOYD CARNEY, BRUCE I.
SACHS, ROBERT J. SACHS, GEOFFREY Y.
YANG, MORGAN STANLEY & CO.
INCORPORATED, JEFFRIES & COMPANY
INC., MERRILL LYNCH, PIERCE FENNER
& SMITH INCORPORATED, COWEN &
COMPANY LLC and THINKEQUITY
PARTNERS LLC.

Defendants.

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1 EUGENE L. HAMMER, on behalf of himself
 2 and all others similarly situated,

No. 3:07-cv-05825-MHP

3 Plaintiff,

4 v.

5 BIGBAND NETWORKS INC., AMIR
 6 BASSAN-ESKENAZI, RAN OZ,
 7 FREDERICK A. BALL, LLOYD CARNEY,
 8 DEAN GILBERT, KENNETH A.
 GOLDMAN, GAL ISRAELY, BRUCE I.
 SACHS, ROBERT J. SACHS and GEOFFREY
 Y. YANG,

9 Defendants.

10 I, Lionel Z. Glancy, hereby declare as follows:

11 1. I am a partner of Glancy Binkow & Goldberg LLP, counsel for Proposed Lead
 12 Plaintiff, Sphera Fund (“Movant”).

13 2. Movant seeks appointment as Lead Plaintiff pursuant to Section 27 of the
 14 Securities Act of 1933 in the above-captioned action (the “Action”).

15 3. I submit this Declaration, together with the attached exhibits, in support of the
 16 motion of Sphera Fund, *inter alia*, to appoint it to serve as Lead Plaintiff on behalf of the class in
 17 the Action and to approve Movant’s choice of Glancy Binkow & Goldberg LLP and The Law
 18 Office of Jacob Sabo as Co-Lead Counsel. I am fully familiar with the facts set forth herein.

19 4. Attached hereto as the exhibits indicated are true and correct copies of the
 20 following:

21 Exhibit A: Press release published October 4, 2007, on *Marketwire* announcing
 22 pendency of the lawsuit commenced by Bikash Mohan Mohanty, et al.,
 23 against defendants herein.

24 Exhibit B: Sworn shareholder certification of Ron Senator, Managing Partner, Sphera
 25 Funds Management Ltd, on behalf of Sphera Fund.

26 Exhibit C: Tables reflecting the calculated losses incurred by Movant as a result of

1 transactions in BigBand Networks, Inc. securities.

2 Exhibit D: Firm resumé of Glancy Binkow & Goldberg LLP.

3 Exhibit E: Firm resumé of The Law Office of Jacob Sabo.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing facts are true and correct. Executed this 3rd day of December, 2007, at Los Angeles,
6 California.

7 *s/Lionel Z. Glancy*
8 Lionel Z. Glancy